IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 1759 of 2007(H)

PETITIONER:

T.HAREENDRAN
WORKER (DRAINAGE SUB DIVISION)
KURIYATHI, CHALI, TRIVANDRUM
RESIDING AT MAVARATHALA MELEPUTHEN VEEDU
NEDUMKADU, KARAMANA P.O., TRIVANDRUM

BY ADV. SRI.N.DHARMADAN (SR.)
SRI.G.KRISHNAKUMAR

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO THE GOVT. (INLAND WATERS)
SECRETARIAT, THIRUVANANTHAPURAM

2. THE MANAGING DIRECTOR
REPRESENTING THE KERALA WATER AUTHORITY
JALABHAVAN, TRIVANDRUM

R1 BY GOVT. PLEADER SHRI. BIJOY CHANDRAN
R2 BY SC SHRI. C.UNNIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 1759 OF 2007

Dated this the 16th January, 2007.

JUDGMENT

Heard Senior Advocate appearing for the petitioner, standing counsel for the second respondent and Govt. Pleader for first respondent.

2. It is stated that the petitioner was employed on provisional basis as an H.R worker before 1998, and therefore, his case ought to have been considered based on the directions issued by the Supreme Court in **Jacob v. Kerala Water Authority** {1990(2) KLT 673}. Materials produced on record show that the above request of the petitioner was not allowed by the Water Authority and the Managing Director of the second respondent had passed Ext.P6 order informing him that his case cannot be considered for regularisation in service. Ext.P6 was passed on 19.1.1998. Sometime thereafter, the petitioner approached the Government. As per Ext.P8 Government letter dated 13.1.2003 the petitioner was informed that the request made by the petitioner cannot be granted. Long thereafter he filed Ext.P9 representation before the Managing Director of the second respondent on 4.7.2005 requesting to engage him atleast temporarily since all those who had worked along with him prior to 1990 are

enjoying the benefit of regularisation in service.

3. The reliefs prayed for in this writ petition include a prayer to quash Exts.P6 and P8 orders.

4. The dates on which the impugned orders were passed clearly show that the petitioner has not been vigilant in challenging the same. Several years have lapsed since the date of issuance of those orders. The petitioner is guilty of laches and on that sole ground this writ petition is liable to be dismissed. No relief can be granted in the nature of a writ of mandamus directing to the second respondent to consider Ext.P9, since the filling up of the posts on a temporary basis also shall conform to certain norms. The second respondent, can make temporary appointments only the basis of a list of candidates supplied by the Employment Exchange. If the petitioner's name is sponsored by the Employment Exchange, certainly, his entitlement shall be considered by the competent authority.

Writ petition fails and is therefore dismissed.

K.K.DENESAN
Judge

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